

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JESSICA C. MCGLOTHIN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:17CV83-LG-RHW

ANDREW W. MASON et al

DEFENDANTS

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. On February 15, 2017, Plaintiff Jessica C. McGlothin filed a lawsuit in the Circuit Court of Harrison County against Defendants Andrew W. Mason, City of Biloxi, Biloxi Fire Department, and State Farm Mutual Insurance Company. Doc. [5] at 3-8. On March 22, 2017, Defendant State Farm removed the case to federal court on the basis of diversity jurisdiction. Doc. [1]. The docket does not reflect any service of process on Defendants Mason, City of Biloxi, or Biloxi Fire Department.

When an action is removed to federal court in which any of the defendants have not been served with process, “process or service may be completed or new process issued in the same manner as in cases originally filed in such district court.” 28 U.S.C. § 1448. Rule 4(m) of the Federal Rules of Civil Procedure requires service of the summons and complaint on Defendant within 90 days after the filing of the complaint. Although summons issued to Mason, City of Biloxi, and Biloxi Fire Department while the matter was pending in state court, there is no record that summons returned executed or that summons re-issued after removal. Doc. [5] at 11-19. Based on a review of the docket, Defendants Mason, City of Biloxi, and Biloxi Fire Department have not been served with process.

IT IS THEREFORE ORDERED AND ADJUDGED, that on or before **October 18, 2017**, Plaintiff shall show good cause, in writing, why Defendants Mason, City of Biloxi, and Biloxi

Fire Department should not be dismissed from the lawsuit for failure to serve these Defendants with process as required by the Rules.

SO ORDERED AND ADJUDGED, this the 4th day of October, 2017.

/s/ *Robert H. Walker*

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE